

**Special Meeting Minutes
Thursday, December 17, 2009
Meeting Scheduled Start Time:
2:30 PM**

**BOARD OF SUPERVISORS
Maricopa County, Arizona
(and the Boards of Directors of the Flood Control
District, Library District, Stadium District, Improvement
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities."

Board Members

Don Stapley, Chairman, District 2
Fulton Brock, Vice Chairman, District 1
Andrew Kunasek, District 3
Max Wilson, District 4
Mary Rose Wilcox, District 5

**County Manager
David Smith**

**Clerk of the Board
Fran McCarroll**

**Meeting Location
Sullivan Conference Room
301 W. Jefferson, 10th Floor
Phoenix, AZ 85003**

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 2:30 PM on Thursday, December 17, 2009, in the Sullivan Conference Room, 301 W. Jefferson, 10th Floor, Phoenix, AZ 85003, with the following members present: Max W. Wilson, Chairman of the Board; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1 (attended telephonically); Absent: Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; (Shirley Million, Minutes Coordinator); and David Benton, Legal Counsel.

The Clerk identified Supervisor Brock as attending telephonically.

Board Action

1. BUDGET ADJUSTMENTS FOR SETTLEMENT AGREEMENT WITH TREASURER

In accordance with A.R.S. Section 42-17106(B), authorize a FY 2009-10 expenditure appropriation adjustment increasing the Treasurer (430) General Fund (100) Operating (0000) in the amount of \$622,892 and decreasing the Office of Enterprise Technology (410) General Fund (100) Operating (0000) in the amount of \$310,563 and decreasing Non-Departmental (470) General Fund (100) Contingency (4711) Operating (0000) in the amount of \$312,329.

Also, in accordance with A.R.S. Section 42-17106(B), authorize a FY 2009-10 expenditure appropriation adjustment increasing the Treasurer (430) General Fund (100) Non-Recurring/Non-Project (0001) in the amount of \$80,000 and decreasing Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring/Non-Project (0001) in the amount of \$80,000.

Approve transferring expenditure authority of \$292,296 within Non-Departmental (470) General Fund (100) Operating (0000) from General Contingency to a new Reserve Contingency line item entitled "Reserved-Treasurer's Office".

Rescind the continuation of line item budget control (C-20-09-017-2), returning the Treasurer's Office to lump sum budgeting pursuant to the Budgeting for Results Accountability Policy (B1001).

Approval of this action includes the transfer of positions and incumbents, supplies and services, from the Office of Enterprise Technology to the Treasurer's Office effective January 1, 2010. The following position control numbers and their incumbents will be transferred:

PCN Market Range Title
11202 Computer Operator
15079 PC/LAN Tech Support
15099 Applications Development Manager
15560 Help Desk Coordinator
34255 IT Consultant
61343 Programmer/Analyst
63535 Programmer/Analyst Sr/Ld
63975 Programmer/Analyst Sr/Ld
63977 Programmer/Analyst Sr/Ld
65424 Business/Systems Analyst
65425 Business/Systems Analyst Sr/Ld

This action is required to fulfill the settlement agreement between the Board of Supervisors and the Treasurer.

Motion to approve by Supervisor Stapley, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilson
Absent: Kunasek, Wilcox

Public Works

2. TOLLING AGREEMENT AND MEDIATION AGREEMENT WITH DLR GROUP, INC.

Approve an Agreement between DLR Group, Inc. and Maricopa County through the Facilities Management Department, for the purpose of tolling of the statute of limitations with regard to legal action arising out of the contract between the parties in connection with the design of the Animal Care and Control facility, and allow for continued mediation. This Agreement is non-financial and is effective from December 4, 2009 until April 2, 2010.

DLR Group, Inc. was the architectural firm selected pursuant to Article 5 of the Maricopa County Procurement Code to design the Animal Care and Control Facility located at Durango & 27th Avenue from approximately 2006 to 2008. In 2008, Maricopa County discovered a problem with the facility that caused the County to make a claim against DLR asserting that DLR did not meet the standard of care regarding certain services related to the cooling system in the facility. Neither party admits liability.

The parties are entering into the agreement to toll the running of the statutes of limitations that apply to the contract (C-70-06-045-5-00) so that the parties can continue to mediate the claim made by the County in an attempt to reach a resolution.

The agreement will terminate on either (1) the 30th day after the date of written notice delivered by either of the parties, (2) the filing of a formal legal action, (3) a demand for arbitration, or (4) by automatically expiring 120 days after the December 4, 2009 effective date. Additionally, the parties may agree in writing at any time to extend this Tolling Agreement.

Janet Palacino, Director, Facilities Management provided the Board members with a brief overview of this item. Immediately after Animal Care and Control moved into their new facility, they discovered that the mechanical systems were not sufficient for the building. The temperature was too warm. The DLR Group and Facilities Management worked together quickly to devise a solution which was implemented as quickly as possible. Now, the issue of responsibility is in mediation. Insurance companies have been involved as well as consulting with a veterinarian who is familiar with mechanical systems for facilities such as kennels. This agreement is for the purpose of tolling of the statute of limitations with regard to legal action and allowing for continuing mediation.

Motion to approve by Supervisor Stapley, seconded by Supervisor Brock

Ayes: Stapley, Brock, Wilson

Absent: Kunasek, Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board